



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Board of Selectmen

September 4, 2015

Please place the attached public hearing notice in the Legal Ad section of the Acton Beacon on Thursday, September 10 and 24 2015:

Bill to: Jingbo Li
16 South High Street
Milford, MA 01720
774-293-0449

Please confirm and send tear sheet to ltomyl@acton-ma.gov

Regards,

Lisa Tomy
Executive Assistant

LEGAL NOTICE TOWN OF ACTON

The Acton Board of Selectmen will hold a public hearing on October 5, 2015 at 7:40 PM in the Francis Faulkner Hearing Room 204 at the Town Hall, 472 Main Street, Acton on the application of Legend Café, 5A Spruce Street, Acton MA for a Use Special Permit #08/18/2015 - 455, increased seating to 50, required under Section 10.3 of the Acton Zoning Bylaw at 5A Spruce Street, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

Selectmen Osman

Acton Board of Selectmen



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

To: Board of Selectmen

Date: September 18, 2015

From: Kristen Guichard, AICP

Subject: Restaurant Use Special Permit #08/18/15—454 (Legend Cafe)

Location: 5A Spruce Street

Proposed Use: Restaurant

Applicant: Jingbo Li and David Hebert

Map/Parcel: F2A-97

Property Owner: Richard Presti

Hearing Date: October 5, 2015

Previous Permits: #08/17/92-337

Decision Date: January 3, 2015

Zoning: West Acton Village (WAV)

Background

Ms. Jindou Li and Mr. David Hebert submitted a Use Special Permit Application for a 50 seat restaurant at 5A Spruce Street for Legend Cafe. This is the location of the former Spruce Street Cafe. Zoning Bylaw (ZBL) Section 3.5.5 requires a Use Special Permit for restaurants with more than 10 seats. There are no changes proposed for the building or the site layout.

Legend Café has opened with a limited number of 35 seats. Although there is no Use Special Permit on file for 35 seats, former restaurants in this location have been operating as such for a number of years. The Zoning Enforcement Officer determined that 35 seats is pre-existing non-conforming¹.

Comments

1. Parking:

The property owner has indicated there are 7 dedicated and 27 shared parking spaces on the north lot and a dedicated unmarked parking area between the café entry stairs and the edge of the ballet school egress stair on the south lot. In the south lot, vehicles are currently parked in front of the fire equipment access and limiting access to the handicap ramp at the ballet school. The Fire Department has requested that parking be eliminated in front of the fire access area with a minimum of a 3-foot wide access area. The Building Commission confirmed that the handicap parking space blocks the access ramp. Based on our calculations, 6 parking spaces could safely fit in this location which takes into account a "No Parking" area from the area in front of the handicap ramp at the ballet school and the Fire Department equipment on the building.

1. A special permit was obtained in 1992 for Phillips Coffee Emporium for a total of four (4) seats. Restaurants in this location have been operating with approximately 35 seats for over a decade. The 6 year statute of limitations under Massachusetts General Law Chapter 40A Section 7 has lapsed.

Legend Café is located in a mixed-use building and shares parking with abutting mixed-use properties. ZBL Section 6.3.1.10 requires restaurant uses to have a minimum of 1 parking space for each 3 seats. Therefore the total number of required parking spaces for a 50 seat restaurant is generally 17 spaces. Legend Café is in the WAV District and utilizes 'Collective Use Parking Lots'. There are special provisions for Collective Use Parking in the WAV District:

Section 6.9.4.4: The minimum number of required parking spaces shall be 50% of the requirements of Section 6.3.1.

Therefore, the required number of parking spaces required for a 50-seat restaurant at Legend Café is 8.5, rounded up to 9 parking spaces. Seeing as Legend Café is also part of a mixed-use building and shares parking with mixed uses, Bylaw Section 6.3.4 allows consideration for reduced parking where it can be demonstrated that the parking need for the uses occurs at different times. According to our calculations and the information provided by the applicant, the business' 13 dedicated parking spaces meets the requirements of the bylaw both under Section 6.9.4.4 and 6.3.4.

2. Septic Limitations:

In the spring of 2015, The Board of Health approved a total of 50 seats with the condition of reduced hours of operation (5 days/week or less). The current proposed hours of operation for Legend Café is Monday through Saturday 7AM-3PM and Sunday 7:30AM-2:30PM. The Applicant met again with the Health Department on September 14, 2015 to request an increase in seating. The Board of Health allowed for a total of 36 seats for their requested hours of operation. The Applicant may decide to come back to the Board of Health for additional seating after sufficient water usage data has been collected and reviewed.

Recommendation

The Planning Department believes there is sufficient parking available to accommodate a 50 seat restaurant. The Board of Health's condition currently limits 36 seats with the ability to review at a later date once additional water usage data has been collected. In all other respects the restaurant complies with the by-right requirements of the Bylaw. As a result, I have attached a draft decision for your consideration with a condition limiting the number of seats to the number allowed by the Board of Health. If the Board of Health allows for an increase in seating at a later date, this would help streamline the Applicant's permitting process. By wording the condition in this way, the Applicant would not have to come back to the Board for an amendment. To address the Fire and Building Department's concerns, we have included a condition to install a "No Parking" sign and striped area on the pavement to provide access to the Fire equipment and handicap ramp.

As with all Special Permits, the Board should determine if the applicant's request meets the criteria of Bylaw Section 10.3.5.



Legend Cafe
Restaurant Use Special Permit Decision # 08/18/15 - 454
5 A Spruce Street
October 5, 2015



Board of Selectmen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6611
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bos@acton-ma.gov
www.acton-ma.gov

DECISION

08/18/15 - 454

Legend Cafe

Restaurant Use Special Permit
5A Spruce Street
October 5, 2015

GRANTED with CONDITIONS

Decision of the Acton Board of Selectmen (hereinafter the Board) on the request of Ms. Jingbo Li and Mr. David Hebert, of 16 South High Street Milford, MA (hereinafter the Applicant), dated received August 18, 2015. The Applicant is requesting a Restaurant Use Special Permit pursuant to Section 3.5.5 of the Zoning Bylaw (hereinafter the Bylaw) and the Special Permit Rules and Regulations (hereinafter the Rules) for property located at 5A Spruce Street in Acton, MA owned by Presti Family LP of 585 Massachusetts Ave. Acton, MA. The property is shown on the Acton Town Atlas as map F2A parcel 97 (hereinafter the site).

The Board considered the request at a duly noticed public hearing on October 5, 2015. Board members **Katie Green (Chair), Peter J. Berry, Janet K. Adachi, Frances J. Osman, and Chingsung Chang were present.**

*Decision # 08/18/15 - 454 – Use Special Permit
Legend Cafe
October 5, 2015*

? of represented the Applicant. The minutes of the hearing and submissions upon which this Decision is based on may be found in the Town Clerk's office or the Board's office at the Acton Town Hall.

1. EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 An application form for a Use Special Permit received, August 18, 2015;
- 1.2 Certified Abutters List;
- 1.3 Supplemental Information Provided by Richard Presti:
 - A letter from Richard Presti to Roland Bartl dated, August 23, 2015;
 - An email from Richard Presti to Roland Bartl dated, August 24, 2015;
 - Ten (10) images showing parking lot locations;
 - Application for Restaurant Use Special Permit for Phillips Coffee Emporium received, August 4, 1992 ;
 - Restaurant Special Use Permit #08/17/92-337 for Phillips Coffee Emporium;
 - Letter from Sheryl Ball, Health Inspector, to Richard Presti dated, June 25, 2015;
 - Letter from Mathias Rosenfeld dated, August 27, 2015.
- 1.4 Interdepartmental and other communication:
 - Planning Department Memo and picture dated, September 22, 2015;
 - Design Review Board dated, September 10, 2015;
 - Health Department Memo dated, August 31, 2015;
 - Fire Department dated, August 31, 2015;
 - Engineering Department dated, August 26, 2015;

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2. FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located in the West Acton Village (WAV) Zoning District and the West Acton Historic District.
- 2.2 The Applicant is proposing to add an additional 15 seats for a total of 50 seats.
- 2.3 The proposed restaurant use is permitted on the site by Use Special Permit.

- 2.4 Phillips Coffee Emporium was issued a Restaurant Special Permit at the site in 1992 for 4 seats. Subsequent restaurants at this site have been operating with 35 seats for more than six years.
- 2.5 The Applicant has opened a Restaurant, Legend Café, in the existing former restaurant space. The six year statute of limitations under Massachusetts General Law Chapter 40A Section 7 has lapsed; the Zoning Enforcement Officer determined that 35 seats is pre-existing non-conforming use.
- 2.6 On April 27, 2015, the Board of Health approved a total of 50 seats with the condition of reduced hours of operation (5days/week or less). The current proposed hours of operation for Legend Café is Monday through Saturday 7AM-3PM and Sunday 7:30AM-2:30PM.
- 2.7 On September 14, 2015 the Board of Health increased the seating to 36 seats for the hours of operation proposed with the ability to review at a later date once additional water usage data has been collected.
- 2.8 The café has Seven (7) dedicated and twenty seven (27) shared parking spaces in the north parking lot; an unmarked parking area between the café entry stairs and the edge of the ballet school egress stair is dedicated to the café in the south lot.
- 2.9 The Fire Department requested that parking be eliminated in front of the fire access area in the south lot.
- 2.10 A handicap parking sign is posted in front of the handicap access ramp. Parking in this location blocks access to the handicap access ramp for the ballet school.
- 2.11 The Planning Department calculated a total of six (6) parking spaces that could safely fit in the dedicated unmarked parking area on the south lot after removing two spaces to accommodate the ramp and fire access area.
- 2.12 According to the information provided by the applicant, the business's 13 dedicated parking spaces (7 spaces in the north lot; 6 spaces in the south lot) meets the requirements of the bylaw both under Section 6.9.4.4 and 6.3.4.

3. BOARD ACTION

Therefore, the Board voted **unanimously** on October 5, 2015 in favor of **GRANTING** the Restaurant Use Special Permit # 08/18/15 - 454 for a total of 50 seats, subject to the following Conditions and Limitations.

4. CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render the Restaurant Use Special Permit granted with this Decision null and void, without force and effect, and shall constitute grounds for revocation of this Restaurant Use Plan Special Permit. The Town of Acton may elect to enforce compliance with this Use Special Permit using any and all powers available to it under the law.

- 4.1 The Applicant shall meet all requirements of the Town Bylaws.
- 4.2 The Applicant shall install a "No Parking" sign in front of the fire access area on the building and to stripe a 3-foot wide by 8-foot long area on the pavement. The Handicap parking sign shall be relocated to right side of the fire box.
- 4.3 This Restaurant Use Special Permit is limited to 50 seats or such other number of seats as the Board of Health and Building Commissioner may determine.
- 4.4 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full.
- 4.3 The Applicant shall record this Decision at the Middlesex South District Registry of Deeds.

5. LIMITATIONS

The authority granted to the Applicant under this Restaurant Use Special Permit is limited as follows:

- 5.1 The foregoing required conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.
- 5.2 This Restaurant Use Special Permit applies only to the Site identified in this Decision.
- 5.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 5.4 The Board hereby reserves its right and power to modify or amend terms and conditions of this Restaurant Use Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.

6. APPEALS

Any person(s) aggrieved by the issuance of this Restaurant Use Special Permit has the right to appeal pursuant to M.G.L., Ch. 40A, §. 17 and shall file such appeal within 20 days after the filing date of this Decision with the Town Clerk.

The Town of Acton Board of Selectmen

Katie Green, Chair

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner
Assistant Assessors

Building Commissioner
Town Engineer
Natural Resources Director
Police Chief
Historical Commission

Health Director
Municipal Properties Director
Town Manager
Acton Water District

*Decision # 08/18/15 - 454 – Use Special Permit
Legend Cafe
October 5, 2015*

Kim Gorman

From: Holly BenJoseph [hollydbj@gmail.com]
Sent: Thursday, September 10, 2015 2:29 PM
To: Planning Department
Subject: Use Special Permit #SPSP 08/18/15-454 for 5A Spruce Street- DRB comments

Hello Roland and Kristen,

We reviewed the documents and since there are no changes in the exterior of the building that we could tell, the DRB has no comments.

If there will be any exterior changes then the DRB would be glad to meet and review.

thanks,

Holly Ben-Joseph, DRB Chair.

--

Holly D. Ben-Joseph
Landscape Architect
Tel: (508) 451-3388
email: hollydbj@gmail.com
web: www.hdbjlandscapes.com

Kim Gorman

From: Paul Campbell
Sent: Wednesday, August 26, 2015 5:01 PM
To: Kim Gorman
Cc: Engineering Department
Subject: RE: 5A Spruce Street - Use Special Permit Application - Comments

Engineering has no comments

Thank you,
Paul Campbell
Engineering Department
978-929-6630

From: Kim Gorman
Sent: Wednesday, August 26, 2015 4:42 PM
To: Building Department; Planning Department; Engineering Department; Patrick Futterer; Robert Hart; Health Department; Natural Resources Department; Sidewalk Committee; Chris Allen; Design Review Board; Economic Development Committee; Transportation Advisory Committee
Cc: Lisa Tomy
Subject: 5A Spruce Street - Use Special Permit Application - Comments

Good afternoon,

I am in receipt of an application for a Use Special Permit #SPSP 08/18/15-454 for 5A Spruce Street.

The location of the documents are within docushare, here is the link - <http://doc.acton-ma.gov/dsweb/View/Collection-6982>

The applicant is proposing to allow 50 seats in the café, including outdoor seating.

Please email your questions or comments if any to the Planning Department – planning@acton-ma.gov no later than Monday, September 21, 2015.

Thank you!

Sincerely,

Kim Gorman
Secretary
Acton Planning Department
472 Main Street
Acton, MA 01720
kgorman@acton-ma.gov
978-929-6631

Kim Gorman

From: Robert Hart
Sent: Monday, August 31, 2015 9:26 AM
To: Kim Gorman; Building Department; Planning Department; Engineering Department; Patrick Futterer; Health Department; Natural Resources Department; Sidewalk Committee; Chris Allen; Design Review Board; Economic Development Committee; Transportation Advisory Committee
Cc: Lisa Tomy
Subject: RE: 5A Spruce Street - Use Special Permit Application - Comments

Hello Kim,

The Fire Department is okay with the new proposed 50 seats as long as means of egress spelled out in the building code are met. It would be nice to see that the fire department connection on the rear building is not blocked by a parking space.

Respectfully,

Robert Hart
Deputy Fire Chief

From: Kim Gorman
Sent: Wednesday, August 26, 2015 4:42 PM
To: Building Department; Planning Department; Engineering Department; Patrick Futterer; Robert Hart; Health Department; Natural Resources Department; Sidewalk Committee; Chris Allen; Design Review Board; Economic Development Committee; Transportation Advisory Committee
Cc: Lisa Tomy
Subject: 5A Spruce Street - Use Special Permit Application - Comments

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Thank you!

Sincerely,

Kim Gorman
Secretary
Acton Planning Department
472 Main Street
Acton, MA 01720
kgorman@acton-ma.gov
978-929-6631

Kim Gorman

From: Sheryl Ball
Sent: Monday, August 31, 2015 10:15 AM
To: Kim Gorman
Subject: 5A Spruce BOH Approval.doc
Attachments: 5A Spruce BOH Approval.doc

The Board of Health approved the increase to 50 seats conditioned on decreased hours of operation. Any changes to this approval would need to go back before the Board.

Sheryl Ball
Public Health Inspector
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6632
fax 978-929-6340



TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9634
Fax (978) 264-9630

August 31, 2015

Rich Presti
5A Spruce Street
Acton, Ma 01510

Dear Mr. Presti:

At their regularly scheduled meeting on April 27, 2015, the Acton Board of Health unanimously approved to allow the use of water flow records to increase the allowed seats at the property located at 5A Spruce Street with the following conditions:

1. A total of 50 seats will be allowed conditioned on reduced hours of operation (5 days/week or less).

If you have any questions regarding this approval, please contact the Health Department at (978) 929-6632

Regards,

Sheryl Ball
Health Inspector

RECEIVED

AUG 18 2015

Appendix B

**TOWN OF ACTON
APPLICATION FOR SPECIAL PERMIT
(ZONING BYLAW)**

Town of Acton
Planning Department

Indicate the type of Special Permit Requested: USE Special Permit

Under Zoning Bylaw Section: _____

Refer to the "Rules and Regulations for Special Permits" available from the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of proposed SPECIAL PERMIT 54 Spruce ST
2. Applicant's Name Jinbo Li
Address 16 South High St dhebert9@
Telephone 974-293-0449 Email dhebert9@gmail
3. Record Owner's Name F2A97 Presti Family LP
Address 565 MASS Ave Acton 01720
Telephone 978-264-9991 Email ?
4. Town Atlas Map(s)/Parcel Number(s) F2A97
5. Zoning District (s) of Parcel(s) F2A97 - WAV
6. Detailed description of the proposed SPECIAL PERMIT:
50
Allow 50 SEATS in cafe, including
the seats outside
7. If applying for a USE SPECIAL PERMIT, declare all hazardous materials or wastes that are expected to be generated, stored, used, or disposed of by the proposed USE. The USE must comply with the TOWN'S Hazardous Materials Control Bylaw:

8. If there was a change in USE, please describe the previous USE on the site: NONE

9. If any SPECIAL PERMITS have been filed previously for this site give file numbers:

10. Please indicate expected number of employees, occupants and/or residents: 7-9

11. If a restaurant is proposed, please indicate number of proposed seats:

12. Hours of operation: M-S 7-3 Sunday 7:30-2:30

13. Please indicate the following:

Total NET FLOOR AREA (existing): 2000

Total NET FLOOR AREA (proposed): _____

14. Describe any proposed modifications to the exterior features or appearances of the STRUCTURE: NONE

15. If the proposed SPECIAL PERMIT is located on a developed site, please provide the site conditions for the following characteristics:

LOT size: _____

Total LOT coverage (existing): _____

Total LOT coverage (proposed): _____

Total OPEN SPACE (existing): _____

Total OPEN SPACE (proposed): _____

- Total parking spaces provided on the site: _____

- Total parking spaces dedicated to proposed use (existing): _____

- Total parking spaces dedicated to proposed use (proposed): _____

The undersigned hereby apply to the Board of Selectmen for a public hearing and a special permit under Section 10.3 of the Zoning Bylaw approving the attached use form.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

8/10/2015

Date

[Signature]

Signature of Petitioner(s)

[Signature]

Signature of Petitioner(s)

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

8/17/15

Date

[Signature]

Signature of Record Owner(s)

Signature of Record Owner(s)

Roland Bartl

From: Richard Presti [rich.presti@gmail.com]
Sent: Monday, August 24, 2015 2:26 PM
To: Roland Bartl
Subject: Parking/Seating at 5-7-9 Spruce St

Mr Bartl,

Based on our meeting this morning, I have revised this letter to reflect our discussions/ decisions.

Below, please find a factual Timeline of the property known as 5-7-9 Spruce St, and issues that relate to both its use, parking and specifically seating for the property.

- * August -1992. Phillips Coffee Emporium gets Town approval to have 4 seats at their (primarily) "to go" coffee shop.
 - 464 sf of rentable space
 - 40 total " available/adjacent" parking spots, consisting of;
 - 34 "shared " spaces in the north parking lot
 - 6 on street / no time restriction spaces
 - old septic system
- * 2002-3. Previous owner installs a modern, large FAST septic treatment facility
- * September- 2003. Acton BOH approves 17 seats
- * November- 2003. PFLP purchases 5-7-9 Spruce St.

From 2003-2015 , 4 different operators run their cafe businesses from this location. Over this timeframe, those businesses occupy larger amounts of rentable space , and more accommodations are put in place to insure that there will be appropriate parking capabilities to service their needs! including " dedicated" parking.
- * 2015 Spring . Acton BOH approves the location for 50 seats, based on a recalculation of the "actual" capability of the treatment facility by a certified Engineer (this had not been done previously)
- * 2015 Summer. Legand Cafe is the new operator.
 - 2100sf of rentable space
 - 50 total " available/adjacent " parking spaces, consisting of;
 - 27 "shared" spaces in the north parking lot
 - 7 dedicated , tenant only spaces, north lot
 - 9 dedicated, Cafe only spaces, south lot
 - 4 , 2 hour only street parking spaces, in front of building

- 3 (new) , 2 hour only , street parking spaces.

Based on the above information, and applying a seat/parking ratio of 4.50 seats per applicable parking space (" Village" parking standards), it results in the following;

- utilizing the 16 "dedicated" parking spaces and only 1/3 of the other adjacent/available spaces , it results in 27 spaces X 4.50 = 121.50 seats
- utilizing ONLY the 16 "dedicated" spaces , and NONE of the adjacent/available spaces results in 16 X 4.50 = 72 seats

Based on other recent approvals that have been put in place by the Town, I believe that some amount of usage of adjacent/available parking spaces is normally taken into consideration in calculating seating to be allowed. At this time, we do not necessarily feel that is required. We are simply requesting that the an approval by the Planning Board/Board of Selectmen be consistent with the approval recently given by the Board of Health , of 50 seats (significantly below what the Zoning regulation standards allow) .

I have attached , as supporting documentation;

- pictures of the surrounding , available/ adjacent parking spaces,
- floor plan, indicating the size of Phillips
- parking lot diagram, indicating only off street available parking
- cover sheet of the 1992 Town approval for 4 seats to Phillips Coffee Emporium
- 2003 Design calculations, indicating a 15 seat restaurant (BOH)
- June 2015 BOH approval for 50 seats

I hope that the above information is useful in arriving at a reasonable , and business appropriate number of seats being allocated to the cafe operator . If there is additional information that would help in this determination, please let me know, and I will try to provide it.

Thank you for your efforts in this matter.

--

Richard Presti
585 Massachusetts Ave.
Acton, MA 01720

Phone: 978-264-9991
Fax: 978-264-9992



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 928-6821
Fax (978) 929-6340

Brian McMullen
Principal Assessor

Locus: 3-5 SPRUCE ST
Parcel: F2A-97

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST
F2A-102	553 MASS AV	WEST ACTON AMERICAN GLOBAL CO LLC	C/O ALLIANCE ENERGY LLC	15 NORTHEAST INDUSTRIAL ROAD	BRAINFORD, CT 06405	
F2A-114	525-537 MASS AV	537 MASS AVE LLC		543 MASS AVE	ACTON, MA 01720	
F2A-112	543 MASS AV	843-543 MASSACHUSETTS AVENUE	LIMITED PARTNERSHIP	543 MASS AVE	ACTON, MA 01720	
F2A-113	541 MASS AV	541 MASS AVE LLC		543 MASS AVE	ACTON, MA 01720	
F2A-121	558 MASS AV	558 MASSACHUSETTS AVE LLC		556 MASS AV	ACTON, MA 01720	
F2A-122	552 MASS AV	PITTA JOSEPH P	LUCILLE BARKER	556 MASS AV	ACTON, MA 01720	
F2A-132	560 MASS AV	BEAUDOIN RAYMOND J	JANICE E	554 MASS AVE	ACTON, MA 01720	
F2A-133	544 MASS AV	FLANNERY CECILIA JOAN		550 MASS AVE	ACTON, MA 01720	
F2A-136	5 KINSLEY RD	PHANEUF NEIL H		544 MASS AV	ACTON, MA 01720	
F2A-137	842 MASS AV	INDIGE LUCY	HAGGERTY JON	4 SEACONET RD	MATTAPOISETT, MA 02739	
F2A-139	536 MASS AV	WEST BROOK PROPERTIES LLC		542 MASS AV	ACTON, MA 01720	
F2A-28-10	228 ARLINGTON ST	PHILBRICK SCOTT D	SHARYON D	607 BURROUGHS RD	BOXBOROUGH, MA 01719	
F2A-28-5	5 WEST RD	PLANTE RICHARD P		228 ARLINGTON ST	ACTON, MA 01720	
F2A-28-7	7 WEST RD	LIANG CAO		5 WEST RD	ACTON, MA 01720	
F2A-44	239 ARLINGTON ST	KLINGER MICHAEL L	DRAGO M CAROLE	7 WEST RD	ACTON, MA 01720	
F2A-45	235 ARLINGTON ST	LOCKE CYNTHIA A		239 ARLINGTON ST	ACTON, MA 01720	
F2A-60	245 ARLINGTON ST	LIAN ZHA REALTY LLC		235 ARLINGTON ST	ACTON, MA 01720	
F2A-61	241 ARLINGTON ST	LR PROPERTIES LLC		215 BUSINESS PARK DR	ARMONK, NY 10504	
F2A-70	232 ARLINGTON ST	SUN TAO	WANG YUTING	480 OLD UNION TURNPIKE	LANCASTER, MA 01523	
F2A-71	230 ARLINGTON ST	BARNES CHARLES A		232 ARLINGTON RD	ACTON, MA 01720	
F2A-81	240 ARLINGTON ST	BOTTOS CASSIAN N		230 ARLINGTON ST	ACTON, MA 01720	
F2A-82	15 SPRUCE ST	MERRILL ERNEST O JR TRUSTEE		2538 SCHOOL ST	ACTON, MA 01720	
F2A-83	17 SPRUCE ST	HUNT EILEEN BURKE	DEMPSTER LINDA C	15 SPRUCE ST	ACTON, MA 01720	
F2A-83-1	19 SPRUCE ST	FERGUSON ALICE		17 SPRUCE ST	ACTON, MA 01720	
F2A-83-2	21A SPRUCE ST	ZENG CAPITAL LLC		19 SPRUCE ST	ACTON, MA 01720	
F2A-83-3	21B SPRUCE ST	KAZAKOV SERGEY		21A SPRUCE ST	ACTON, MA 01720	
F2A-83-4	23A SPRUCE ST	TRACIA WILLIAM A		21B SPRUCE ST	ACTON, MA 01720	
F2A-83-5	23B SPRUCE ST	ZHANG LIPING		PO BOX 219	BERLIN, MA 01503	
F2A-83-6	26A SPRUCE ST	BENHARBONE TATIANA		39 COLUMBUS ST	LEXINGTON, MA 02421	
F2A-83-7	25B SPRUCE ST	HORSBURGH GWYNM M		11 CENTRAL ST	ACTON, MA 01720	
F2A-81	535 MASS AV	BOTTOS LLC		25B SPRUCE ST	ACTON, MA 01720	
F2A-92	10 SPRUCE ST	BOTTOS CASSIAN N TRUSTEE		2538 SCHOOL STREET	ACTON, MA 01720	
F2A-93	11 SPRUCE ST	PETERSEN ROY		2538 SCHOOL ST	ACTON, MA 01720	
F2A-94-2	3 SPRUCE ST U2	BITTERROOT GROUP LLC		11 SPRUCE ST	ACTON, MA 01720	
F2A-94-3	1 SPRUCE ST U3	543-545 MASS AVE LMTD PTNRSP	NAOMI ROSENFELD	PO BOX 788	ACTON, MA 01720	
F2B-15	540 MASS AV	FLANNERY EDWARD W		544 MASS AV	ACTON, MA 01720	

Brian McMullen
Principal Assessor

Locus: 3-5 SPRUCE ST
Parcel: F2A-97

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST
-----------	----------	-------	----------	-----------------	------	----

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729	Maynard, MA 01754	Concord, MA 01742	Littleton, MA 01460
Carlisle, MA 01741	Stow, MA 01775	Westford, MA 01886	Sudbury, MA 01776

Marty Abbott

Marty Abbott
Action Assessors Office

8/5/2015

8/23/15

Mr Bartl,

Below, please find a factual Timeline of the property known as 5-7-9 Spruce St, and issues that relate to both its use, and specifically seating for the property.

* August -1992. Phillips Coffee Emporium gets Town approval to have 4 seats at their (primarily) "to go" coffee shop.

- 450sf of rentable space
- 40 total " available/adjacent " parking spots, consisting of;
 - 34 "shared " spaces in the south parking lot (north side of apple barn)
 - 6 on street / no time restriction spaces
- old septic system

* 2002-3. Previous owner installs a modern, large FAST septic treatment facility

* September- 2003. Acton BOH approves 17 seats

* November- 2003. PFLP purchases 5-7-9 Spruce St.

From 2003-2015 , 4 different operators run their cafe businesses from this location. Over this timeframe, those businesses occupy larger amounts of rentable space , and more accommodations are put in place to insure that there will be appropriate parking capabilities to service their needs.

* 2015 Spring . Acton BOH approves the location for 50 seats, based on a recalculation of the "actual" capability of the treatment facility , by a certified Engineer (this had not been done previously)

* 2015 Summer. Legand Cafe is the new operator.

- 2100sf of rentable space
- 50 total " available/adjacent " parking spaces, consisting of;
 - 27 "shared" spaces in the south parking lot
 - 7 dedicated , tenant only spaces, south lot
 - 9 dedicated, Cafe only spaces, north lot
 - 4 , 2 hour only street parking spaces, in front of building
 - 3 (new) , 2 hour only , street parking spaces.

34 9 dedicated
spurs/it on north lot
(on south side)
7 on street

Based on the above information, and applying a seat/parking ratio of 4.25 seats per applicable parking space (3.5 seats per space, plus .75 for "Village" parking) , it results in the following;

- utilizing the 16 "dedicated" parking spaces and only 1/3 of the other adjacent/available spaces , it

results in 27 spaces X 4.25 = 114.75 seats

- utilizing ONLY the 16 "dedicated" spaces results in 16 X 4.25 = 68 seats
- utilizing ONLY the 9 dedicated "Cafe "parking spaces, and allowing for NO usage of any shared or public parking, results in 9 X 4.25 = 38 seats.

It is our hope that the appropriate number would be somewhere above the minimalist approach of utilizing only the 9 spaces , and take into consideration just some of the other available parking that can realistically service the business.

I hope that the above information is useful in arriving at a reasonable , and business appropriate number of seats being allocated to the cafe operator . If there is additional information that would help in this determination, please let me know, and I will try to provide it.

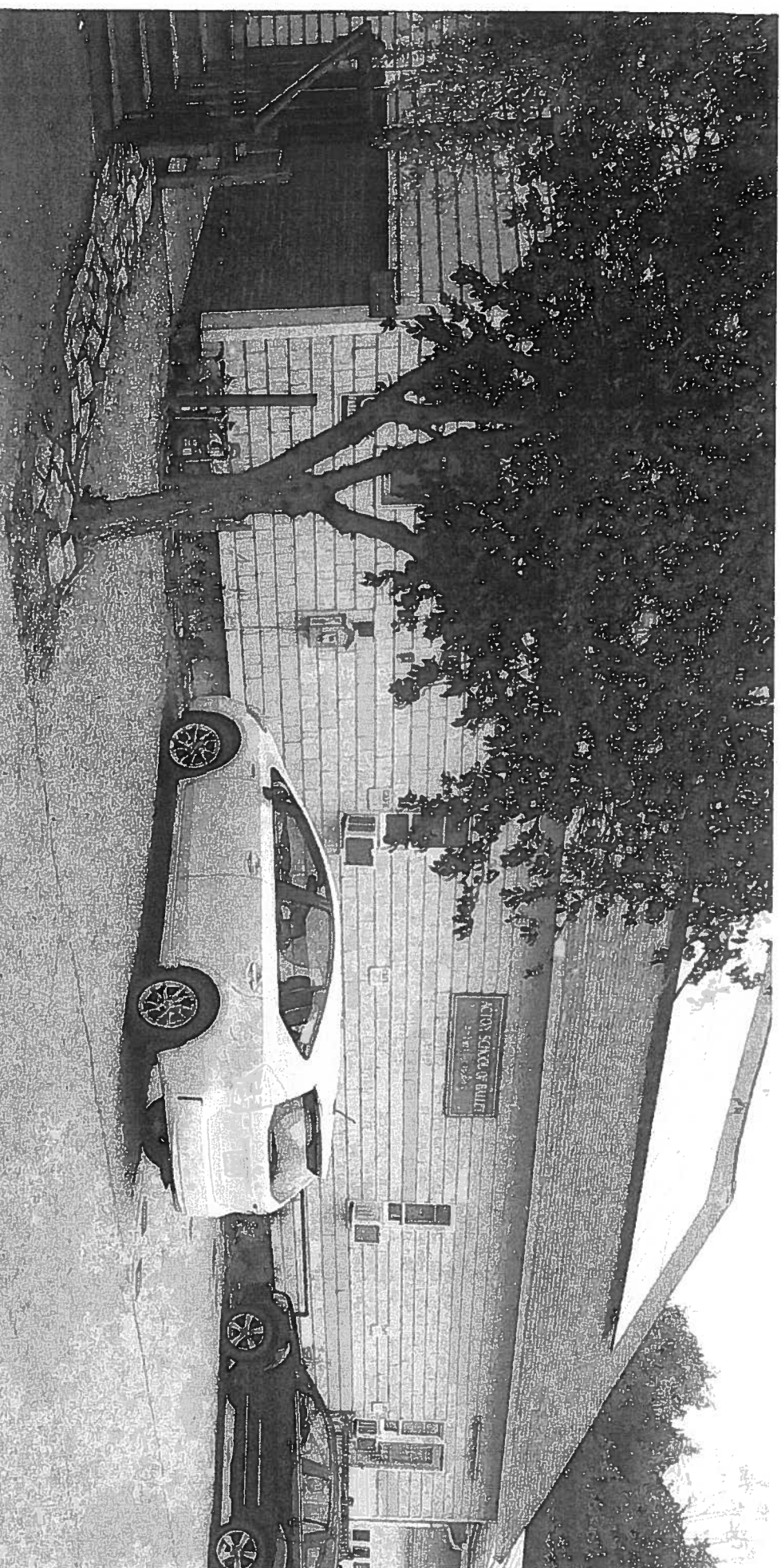
Thank you for your efforts in this matter.

--

Richard Presti
585 Massachusetts Ave.
Acton, MA 01720

Phone: 978-264-9991
Fax: 978-264-9992

9 "DEDICATED" SPACES
~~NORTH~~ PARKING LOT
SOUTH

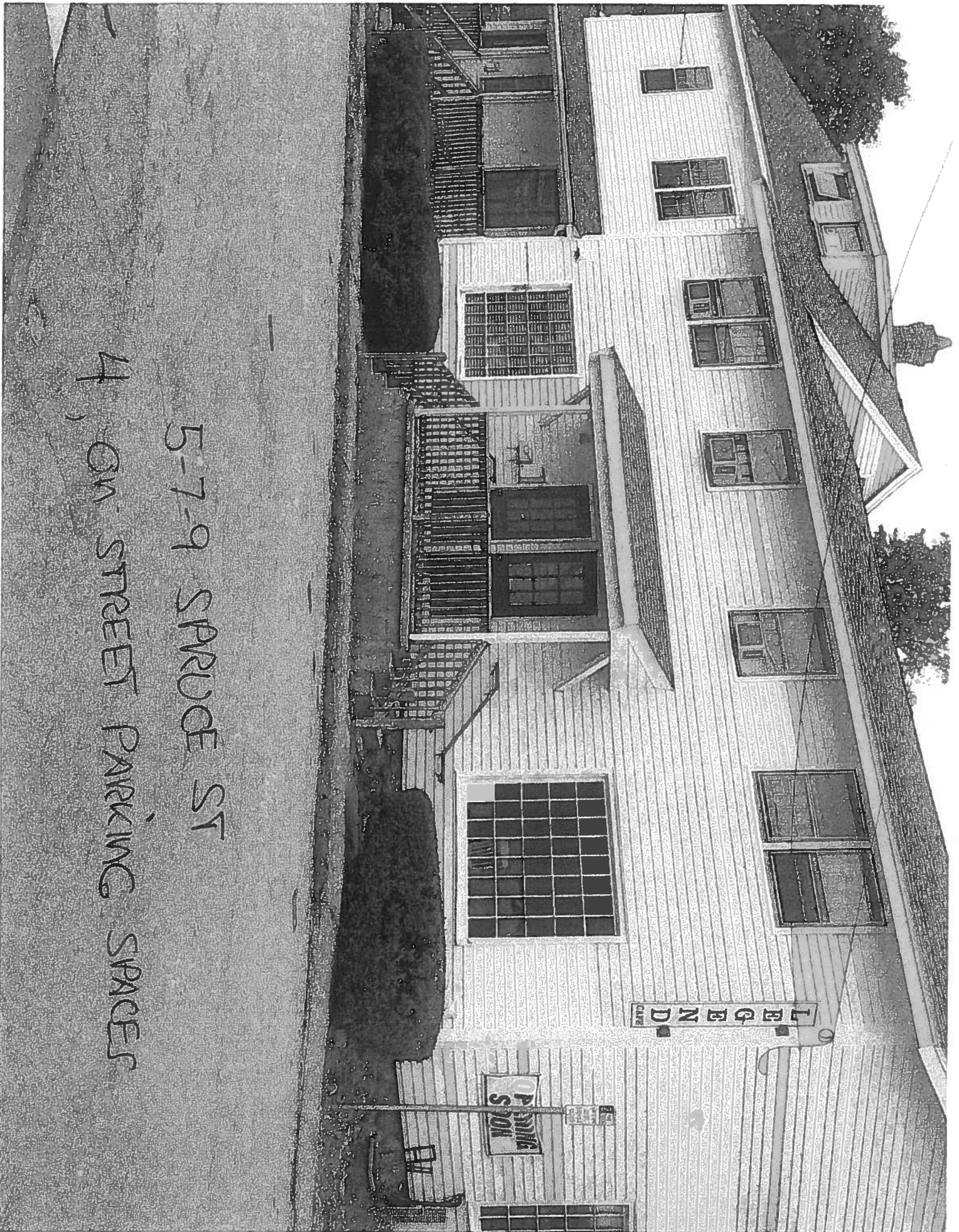




9 DEDICATED SPACES

~~NORTH~~ LOT
SOUTH

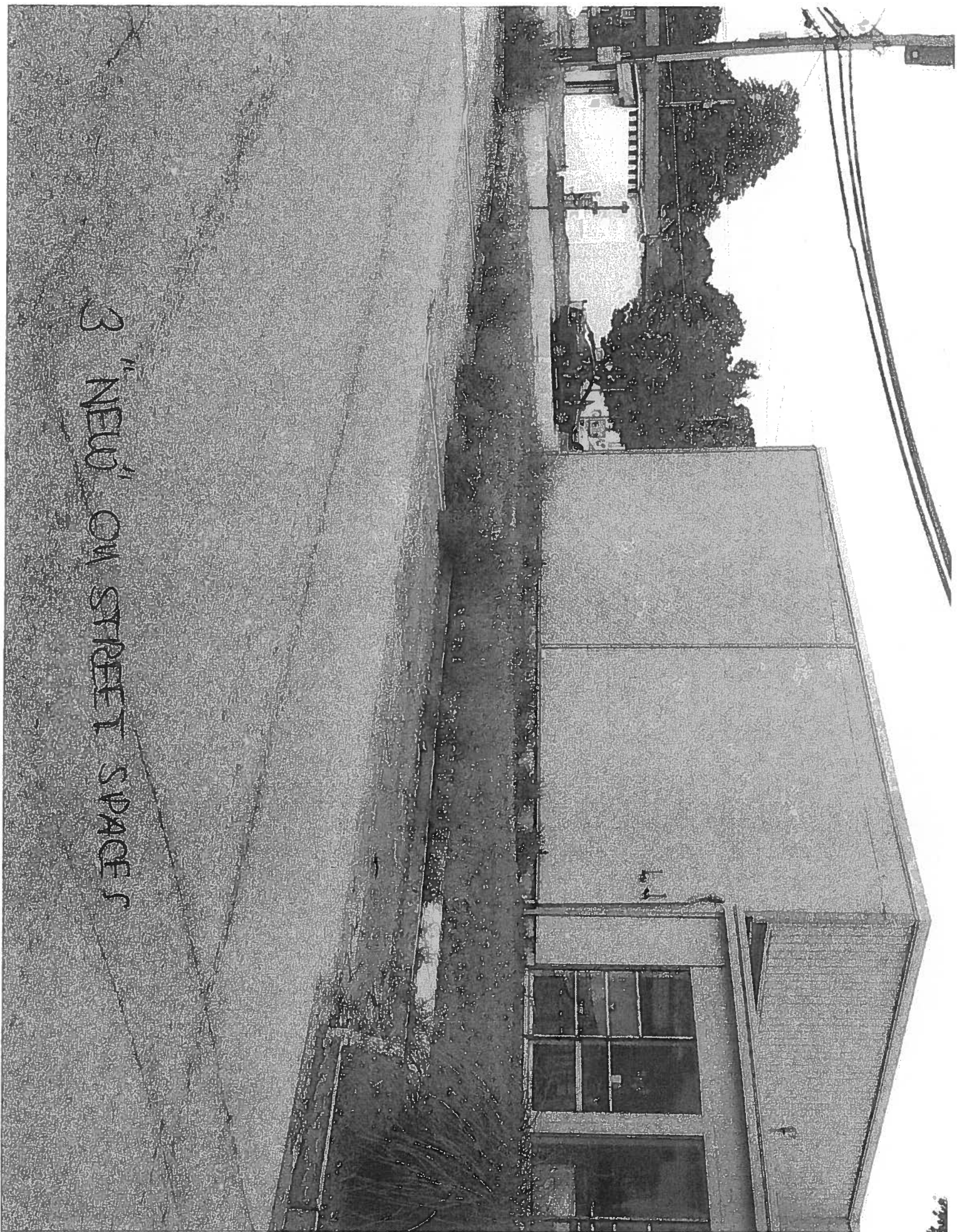
5-7-9 SPRUCE ST
4, ON STREET PARKING SPACES



3 "NEW" ON STREET SPACES



3' NEW 1" ON STREET SPACES



~~SOUTH~~ PARKING LOT
NORTH

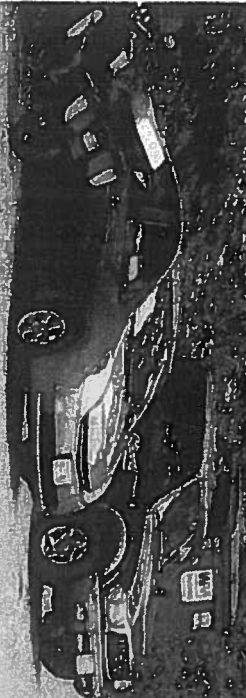




**Resident
Parking
Only**

Violators will
be towed





SOUTH PARKING LOT
NORTH

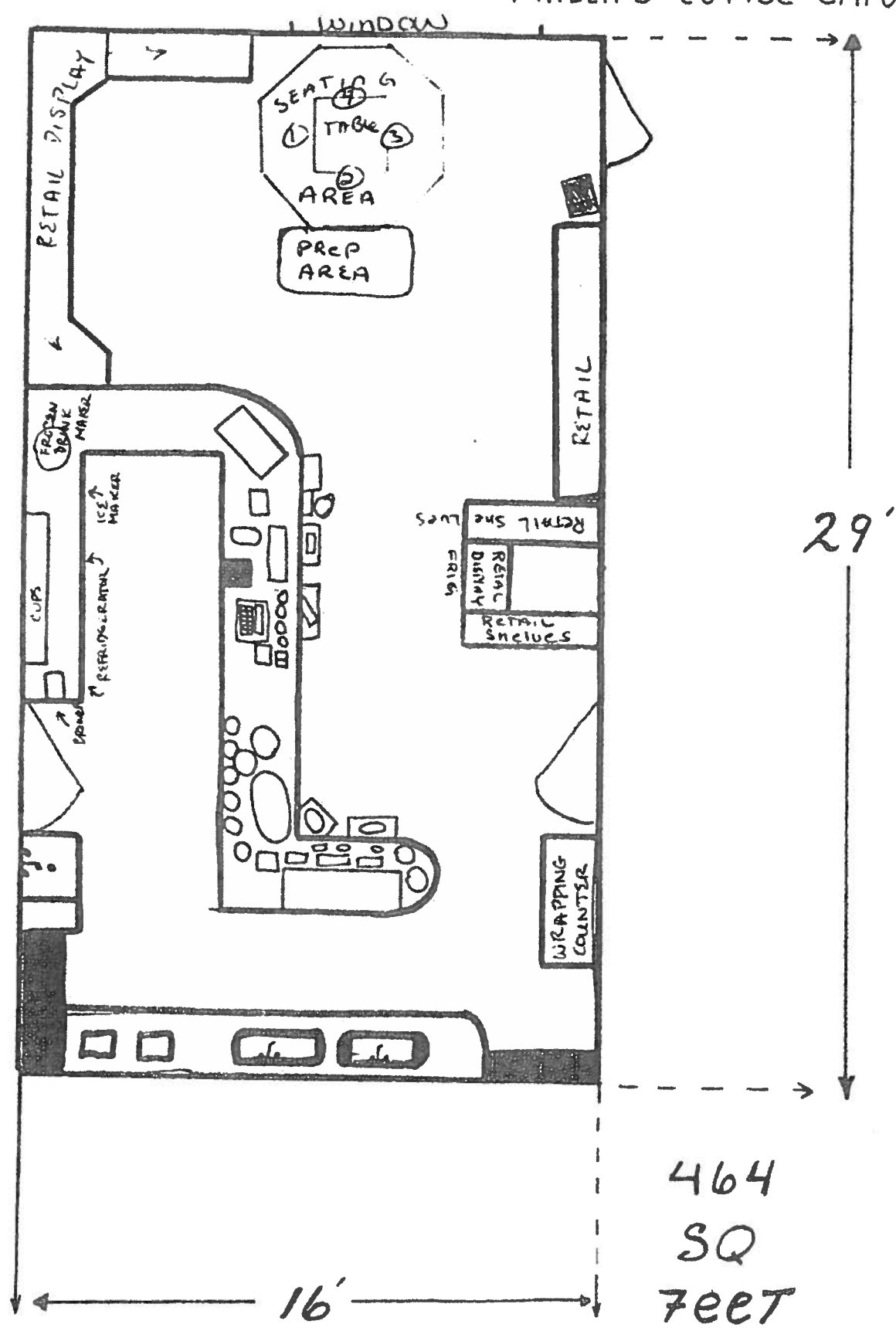
~~SOOTH~~ PARKING LOT
NORTH



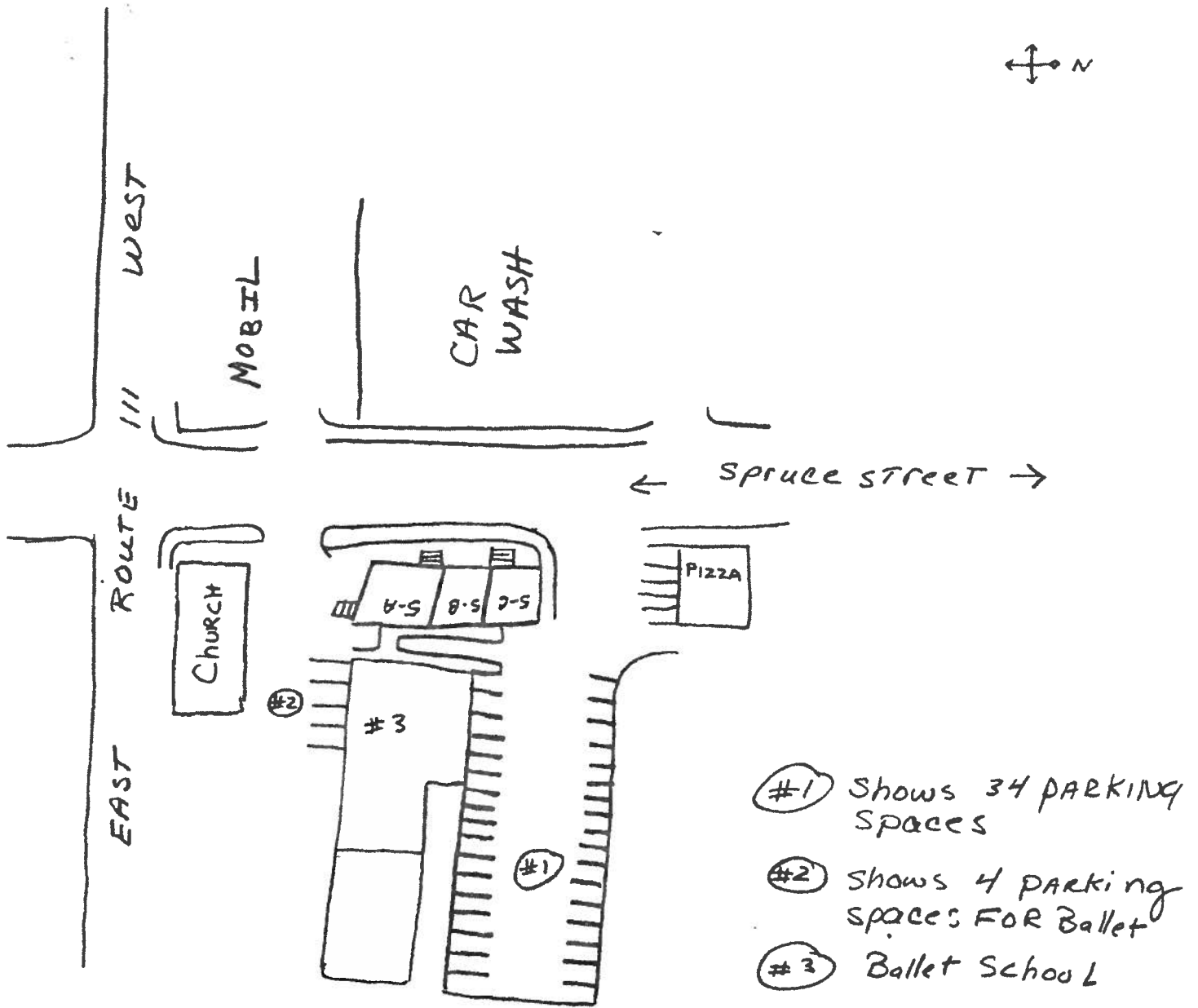
~~SCOTT~~ PARKING LOT
NORTH



PHILLIPS COFFEE EMPORIUM.



PROPOSED



- #1 Shows 34 PARKING SPACES
- #2 Shows 4 PARKING SPACES FOR Ballet
- #3 Ballet School

Phillips Coffee EMPORIUM
5-B SPRUCE ST

Alicante
5-A SPRUCE ST

AB CARDS
5-C SPRUCE STREET

RESTAURANT SPECIAL USE PERMIT #8/17/92-337
PHILLIPS COFFEE EMPORIUM
5 SPRUCE STREET (LAKE)

PAGE 1

Decision of the Board of Selectmen (hereinafter the Board) on the Petition of Phillips Coffee Emporium (hereinafter the Petitioner) for the property located at 5 Spruce Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map P2A, parcel 97.

This Decision is in response to an application submitted to the Board on August 17, 1992 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to establish a restaurant.

After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on October 20, 1992 at 7:45 p.m. in the Acton Town Hall, Acton, Massachusetts. Board members Nancy Tavernier, F. Dore Hunter, Anne Fanton, Norman Lake and William Mullin were present through the hearing.

The record of the proceedings and submissions on which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation, prior to the close of the hearing, were the following exhibits:

Exhibit I

A properly executed application for a Restaurant Special Permit; a plan showing the layout of the restaurant.

Exhibit II

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 27, 1992; a note from Tom Tidman, Conservation Officer to Garry Rhodes, Building Commissioner, undated; IDC from the Town Planner to Don P. Johnson, Town Manager, dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 17, 1992. Note from Tom Tidman to Garry Rhodes, undated; IDC from the Town Planner to Don P. Johnson, Town Manager dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

21 May

in Detail

1. The undersigned hereby certifies that the above information is true and correct to the best of his knowledge and belief.

1. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC). The study was approved by the IRB at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
2. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
3. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
4. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
5. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
6. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
7. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
8. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
9. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).
10. The study was approved by the Institutional Review Board (IRB) at the University of Illinois at Chicago (UIC) and the IRB at the University of Illinois at Chicago (UIC).

Type of Establishment: 4 Bedrooms
Dwelling and 15 bed restaurantType of Establishment: 4 Bedrooms
Dwelling and 15 bed restaurant

Section 1

Restaurant - 2000 City, Dwellling 4
Dwelling Floor: 2000000
Single Trade Capacity: 1000
Ordinary Area: 2457 sqm Tbs: 2

THE UNIVERSITY OF CHICAGO PRESS

Single Tank Capacity: 4000 Gallons
System Area: 1500 sq ft
System Capacity: 300000
Soil Characteristics: 1
L7AL: 2.74 GPD/ft² Hrs

Bureau Staff: 716.17 West in 1
 Building Survey: 714.50
 Ocean Trip Index 214.25

Bureau Staff: 716.17 West in 1
 Building Survey: 714.50
 Ocean Trip Index 214.25

Overall 214.00
Slope Test Index 213.00
Overall 213.00

DATE 211.25
NITE PAST DATE 211.25
DATE 211.09

Order 214 on and of—
 Pump Chamber Lid: 212.90

Lateral length: 211.60
 Bottom: 210.61

TEL: 207.648.2114-2116

406 JOURNAL OF DOCUMENTATION



9/8/03

**I have received the info by computer and I'm OK
I'll be at the office next Monday**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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No.	Particulars	Date

1

ABC CessPool Inc.

727 North Street

Astoria, WA 97103

1

Proposed Septic Systems

3.5 Exercise Sheet

**U.S. Optical Service
Acton, MA 01720**

Page	Section	Sub-section
1	1	1

1	2
---	---

1



TOWN OF ACTON
Health Department
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9634
Fax (978) 264-9630

June 25, 2015

Rich Presti
5A Spruce Street
Acton, Ma 01510


Dear Mr. Presti:

At their regularly scheduled meeting on April 27, 2015, the Acton Board of Health unanimously approved to allow the use of water flow records to increase the allowed seats at the property located at 5A Spruce Street with the following conditions:

1. An total of 50 seats will be allowed conditioned on reduced hours of operation (5 days/week or less).

If you have any questions regarding this approval, please contact the Health Department at (978) 929-6632

Regards,


Sheryl Ball
Health Inspector

RESTAURANT SPECIAL USE PERMIT #8/17/92-337
PHILLIPS COFFEE EMPORIUM
5 SPRUCE STREET (LAKE)

PAGE 1

Decision of the Board of Selectmen (hereinafter the Board) on the Petition of Phillips Coffee Emporium (hereinafter the Petitioner) for the property located at 5 Spruce Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F2A, parcel 97.

This Decision is in response to application submitted to the Board on August 7, 1992 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to establish a restaurant.

After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on October 20, 1992 at 7:45 p.m. in the Acton Town Hall, Acton, Massachusetts. Board members Nancy Tavernier, F. Dore' Hunter, Anne Fanon, Norman Lake and William Mullin were present through the hearing.

The record of the proceedings and submissions on which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation, prior to the close of the hearing, were the following exhibits:

Exhibit I

A properly executed application for a Restaurant Special Permit; a plan showing the layout of the restaurant.

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Exhibit III

Interdepartmental Communication (IDC) from the Building Commissioner to the Board dated October 16, 1992; IDC from the Health Officer to the Site Plan Coordinator dated August 17, 1992. Note from Tom Tidman to Garry Rhodes, undated; IDC from the Town Planner to Don P. Johnson, Town Manager dated August 20, 1992; IDC from the Municipal Properties Director to the Town Manager dated August 20, 1992; IDC from the Engineering Department to the Town Manager dated August 25, 1992.

1.0 Findings and Conclusions

Based upon its review of the exhibits and record of the proceedings, the Board found that:

- 1.1 The restaurant use is appropriate for the site in question.
- 1.2 The restaurant shall be limited to four (4) seats.
- 1.3 The parking is adequate for the intended use.
- 1.4 The use, as proposed, is consistent with the Master Plan, is in harmony with the purpose and intent of this Bylaw, and will not be detrimental or injurious to the neighborhood.

Therefore the Board voted to GRANT the requested Special Permit with the benefit of the following limitations:

2.0 Limitations

- 2.1 The restaurant shall be run according to the submitted documents.
- 2.2 This decision applies only to the requested Special Permit, other permits or approvals required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 2.3 Effective Date of Special Permit - No special permit or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of November, 1992.

Nancy Tavernier, Chairman

RESTAURANT SPECIAL USE PERMIT 98/17/92-337

PHILLIPS COFFEE EMPORIUM

5 SPRUCE STREET (LAKE)

PAGE 3

I, Christine Joyce, hereby certify that this is a true copy of the decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date Filed with Town Clerk

Cornelia O. Huber, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the decision of Phillips Coffee Emporium has passed and there have been no appeals made to this office.

Date

Cornelia O. Huber, Town Clerk

cc: Petitioner - Certified Mail #

Building Commissioner

Planning Board

Engineering

Conservation

Board of Health

Town Clerk

Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stov, Sudbury

(924)

1

PHILLIPS COFFEE EMPORIUM, Inc.

5-b Spruce Street
West Acton, MA

Phillips Coffee Emporium requests a special permit for seating four (4) at our current location, 5 Spruce Street, West Acton, MA.

RECEIVED & FILED

DATE 8/4/92
Cornelia O. Huber
TOWN CLERK, ACTON

2

STORE FORMAT

The format of our store is unique and consists of the following products and services.

- Retail sales of over 40 varieties of whole bean coffee
- Coffee grinding
- Retail sales of loose teas
- Liquid drink sales including (coffee, espresso, tea, iced coffee, frozen iced espresso and iced fruit drinks)
- Retail sales of baked goods which are prepared off site
- Retail sales of European style chocolates and cocoa
- Newspapers
- Coffee makers
- Mugs
- Espresso machines
- Thermoses
- Coffee grinders and espresso grinders
- Steamers
- Tea equipment
- Fabrics
- T-Shirts
- Gift wrapping

3

Our Goal

To find and provide a variety of high quality coffee and tea related products available for our customer base.

To educate our customers in the growing, roasting and proper preparation of coffee for greater appreciation of fine wholebean coffee.

To provide a congenial and comfortable atmosphere.

Town of Acton

Application for a Special Permit

To The

Board of Selectmen

Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	<u>Restaurant</u>
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

APPLICANT

SITE

Name & Address	Location and Street Address of the Property
2-2528 MICHAEL PHILLIPS, 114 PEARL ST, GARDNER MA	Phillips Coffee Emporium, Inc
14337 COURTNEY FRECH, FRECH	5-B SPRUCE ST
	W ACTON MA

Telephone

508 263-2233

OWNER

Name & Address

William Hurd
51 Cobleigh Rd
Buxton MA

Tax Map & Parcel Number

LOCAL FZA 097 000 AND FZA 094 000

Area of Lot ac.

2 AC

Zoning District

W ACTON

Telephone

508/263-3449

If any other permits or site plans have been granted for the property, give the file numbers:

Twelve (12) completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant - attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.

Two copies of this application and any supporting material shall be submitted to the Town Clerk who will certify the date and time of filing on both copies, keep one of the copies, and return the other to the applicant. The copy returned by the Clerk and the remaining 10 copies shall then be filed forthwith by the applicant with the office of the Board. No additional information will be accepted after the filing of the application except at the public hearing.

A fee, in the form of a check made out to the "Town of Acton", will also be required at the time of filing with the Board.

The Board may grant the Special Permits listed below under the Zoning Bylaw following a public hearing. The applicant shall publish and mail notices of the public in accordance with state law. *Failure to properly publish and mail notices of the public hearing will render the permit invalid.*

Contact the Office of the Board or the Planning Dept. with any questions concerning the application. The applicant is hereby strongly advised to contact the Planning Dept. prior to the filing of any application for a special permit.

The undersigned hereby petition the Board of Selectmen for a public hearing and the Special Permit/s indicated above under the Zoning Bylaw.

The undersigned hereby certify that the information on this application and any supporting material submitted herewith is correct, and that all applicable provisions of statutes, regulations, and bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

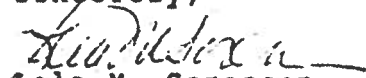
7/7/92 Phillips Coffee Emporium, inc by W. S. Phillips
Date Signature of Applicant

OWNERS'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

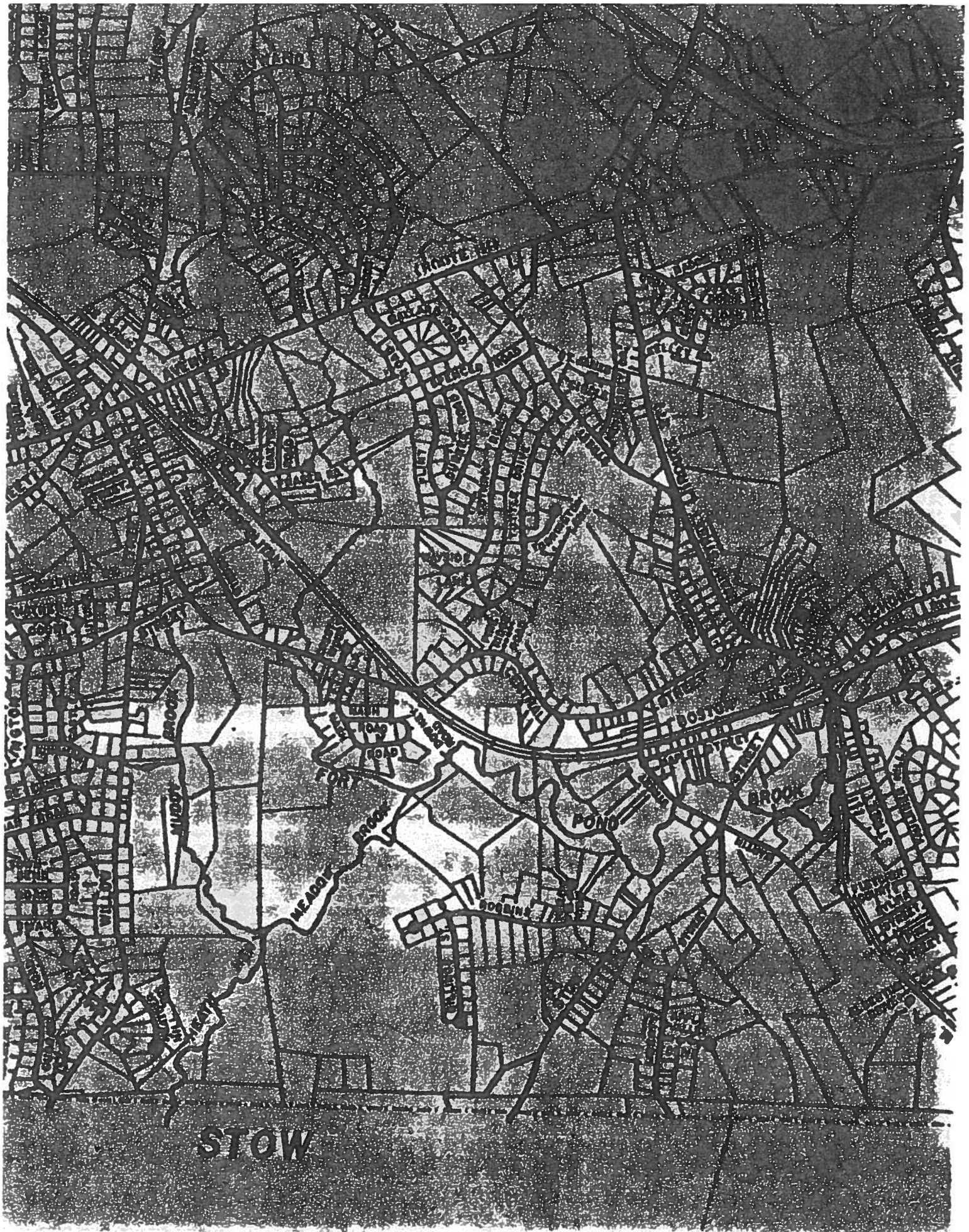
7/22/92 Will R. And
Date Signature of Owner

Sincerely,

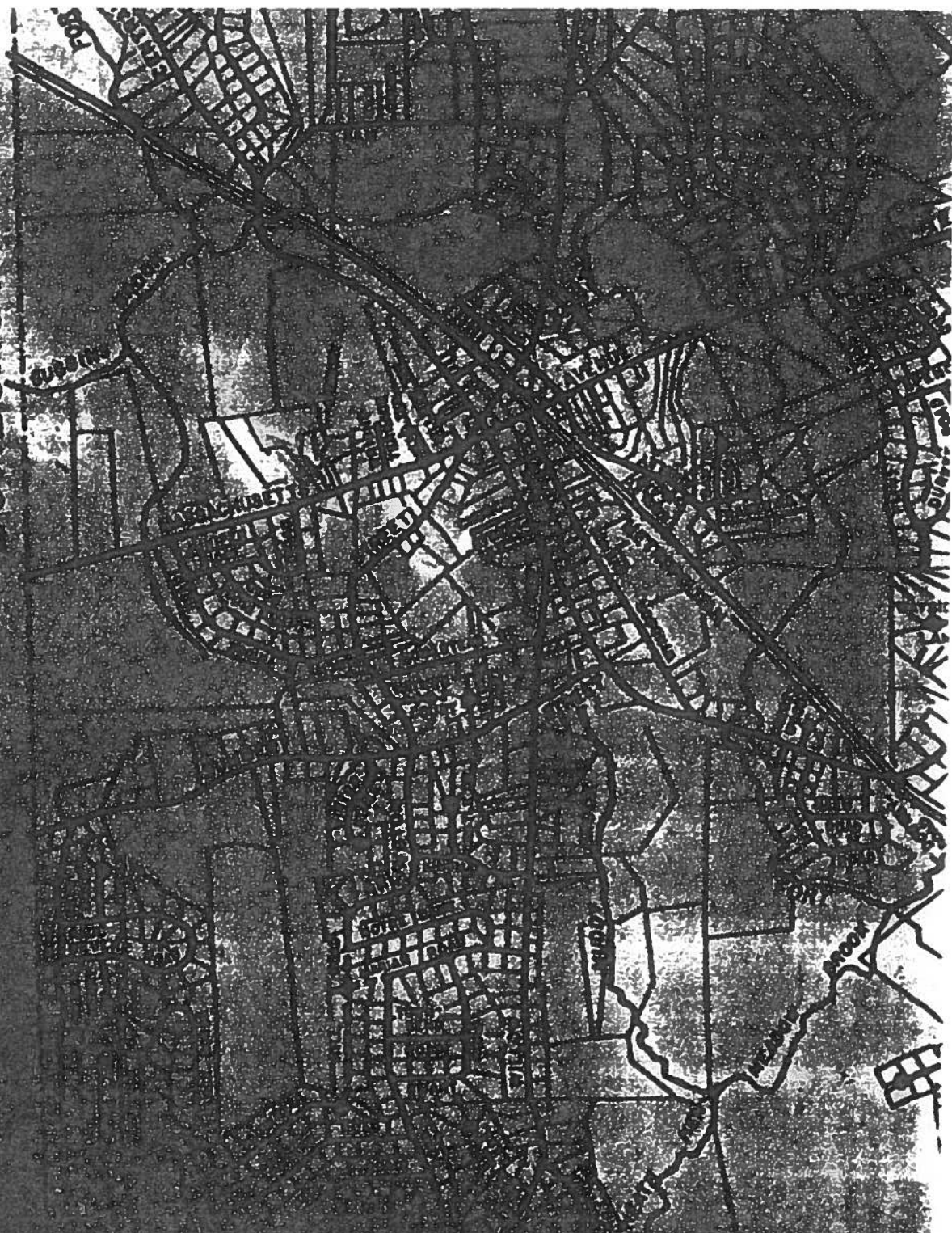

Lela M. Sorensen
Assistant Assessor

5

LOCATION MAP FOR 5 SPRUCE STREET

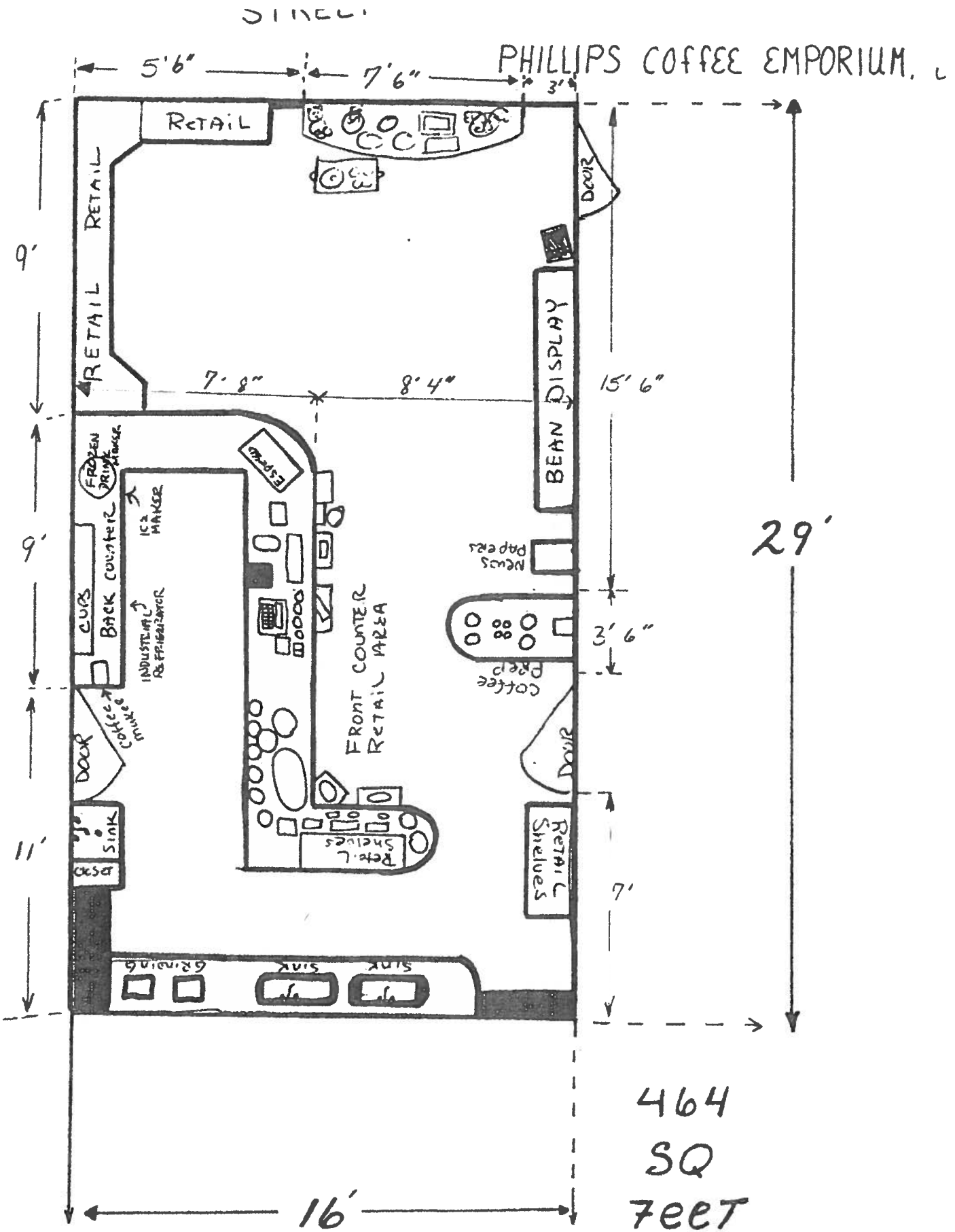


BOXBOROUGH



11

STORE LAYOUT WITH SEATING



CURRENT

PARKING LOT ↓

6

PERTAINENT MINUTES FROM THE BOARD OF HEALTH

Dated February 10, 1992

ACTON BOARD OF HEALTH

MINUTES

FEBRUARY 10, 1992

MEMBERS PRESENT: Jonathan Bosworth (Chairman)
Cordelia Alfaro
James Barbato
Mark Conoby
Doug Miller (Associate)
Ed Calamai (Associate)
Ira Grossman (Associate)
Bill McInnis (Associate)

STAFF PRESENT: Alan Perry
Sheryl Howe

OTHERS PRESENT: Cortni Frecha
Michael Phillips

The meeting opened at 7:32 P.M.

MINUTES:

The minutes of January 27, 1992 were discussed. There was a question about what kind of trap assembly should be required for Meineke Muffler - 263 Main Street. The Board asked the Health Department to look into it. An issue was also raised as to the plumbing and environmental regulations governing floor drains. On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to table the minutes of January 27, 1992 for further clarification.

PHILLIPS COFFEE EMPORIUM:

Phillips presented to the Board a request for four (4) seats. At a previous meeting the Board requested additional information from Phillips in order to determine if seating could be allowed at this facility. The water records received from Phillips indicates that the water usage has significantly dropped since Phillips has opened its store. The Board stated to Phillips that these seats could possibly limit any future uses. On a motion made by Mr. Conoby, seconded by Mr. Barbato, the Board unanimously voted to grant a variance from 11-15.1 to Phillips Coffee Emporium to allow four (seats) at the facility located at 5B Spruce Street subject to the following conditions: --

1. The applicants shall first obtain a special use permit from the Town through the Building Department.
2. The Board of Health recommends to the applicants that a common victuallers license be obtained through the Board of Selectmen.

3. The Board of Health recommends to the applicants that they adhere to any requirements by the plumbing inspector in regards to handicap accessibility of bathroom facilities.
4. The septic system shall be inspected by a licensed septic system inspector that the system is in proper working condition and meets all State and local laws and regulations.
5. The applicants shall comply with all other applicable laws and regulations.

LOT E-3 NAGOG HILL ROAD - VARIANCE:

The owners of Lot E-3 Nagog Hill Road seek a variance from regulation 11-15.1 for a percolation rate greater than twenty minutes per inch. Percolation rates of nine (9) and twenty-seven (27) minutes per inch were found at this site. The Board of Health has previously granted these variances with as long as the lot is oversized.

On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to grant a variance to Acton regulations 11-15.1 to allow a percolation rate over 20 minutes per inch with the following conditions:

1. The lot is oversized - greater than two acres.
2. The leaching area is 1/3 greater than title 5 requirements. ..
3. The septic tank is at least 50% greater than Board of Health requirements (1500 gallons).
4. System shall be constructed in accordance with plan submitted.
5. The applicant shall comply with all other applicable laws and regulations for the system.



ASSISTANT ASSESSOR
LELA SORENSEN

BOARD OF ASSESSORS

TOWN HALL

472 MAIN STREET

ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 264-9622

BOARD OF ASSESSORS

SUSAN C. MILLER, CHAIRMAN

JAMES J. KOTANCHIK

ROBERT W. ADAMS

ABUTTERS LIST

LOCUS:	F2A 097 000	5 SPRUCE STREET
	F2A 094 000	3 SPRUCE STREET
<u>MAP & PLOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
F2A 114 000	John Shane	537 Mass. Avenue, Acton 01720
112	543-545 Mass. Ave.	
	Ltd. Partnership	543 Mass. Avenue, Acton 01720
113	Naomi Rosenfeld	389 Garfield Road, Concord 01742
082	15 Spruce St. Trust	
	c/o Ernest Merrill	15 Spruce Street, Acton 01720
093	Nicholas Bottos	11 Spruce Street, Acton 01720
083	Peter Whitcomb	144 Hayward Road, Acton 01720
070	Peter Whitcomb	144 Hayward Road, Acton 01720
071	Peter Whitcomb	144 Hayward Road, Acton 01720
092	William Weeks	P.O. Box 965, Acton 01720
012	W. Acton American	P.O. Box 1096, Littleton 01460
029 010	Scott Philbrick	226 Arlington Street, Acton 01720
103	James Anderson	Box 645A Kennebunkport, ME 04046
029 007	John Berlied	7 West Road, Acton 01720
029 005	Richard Plante	5 West Road, Acton 01720
029 003	Franklin Johnson Jr.	3 West Road, Acton 01720
053	Virginia Milbery	P.O. Box 523, Acton 01720

July 7, 1992

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719
Carlisle, MA 01741
Concord, MA 01742
Littleton, MA 01460
Maynard, MA 01754
Stow, MA 01775
Sudbury, MA 01776
Westford, MA 01886

William R. Hurd

P.O. Box 796
Acton, MA 01720
(508) 263-3449

June 30, 1992

Mr. Michael Phillips
Phillips Coffee Emporium, Inc.
5B Spruce St.
Acton, MA 01720

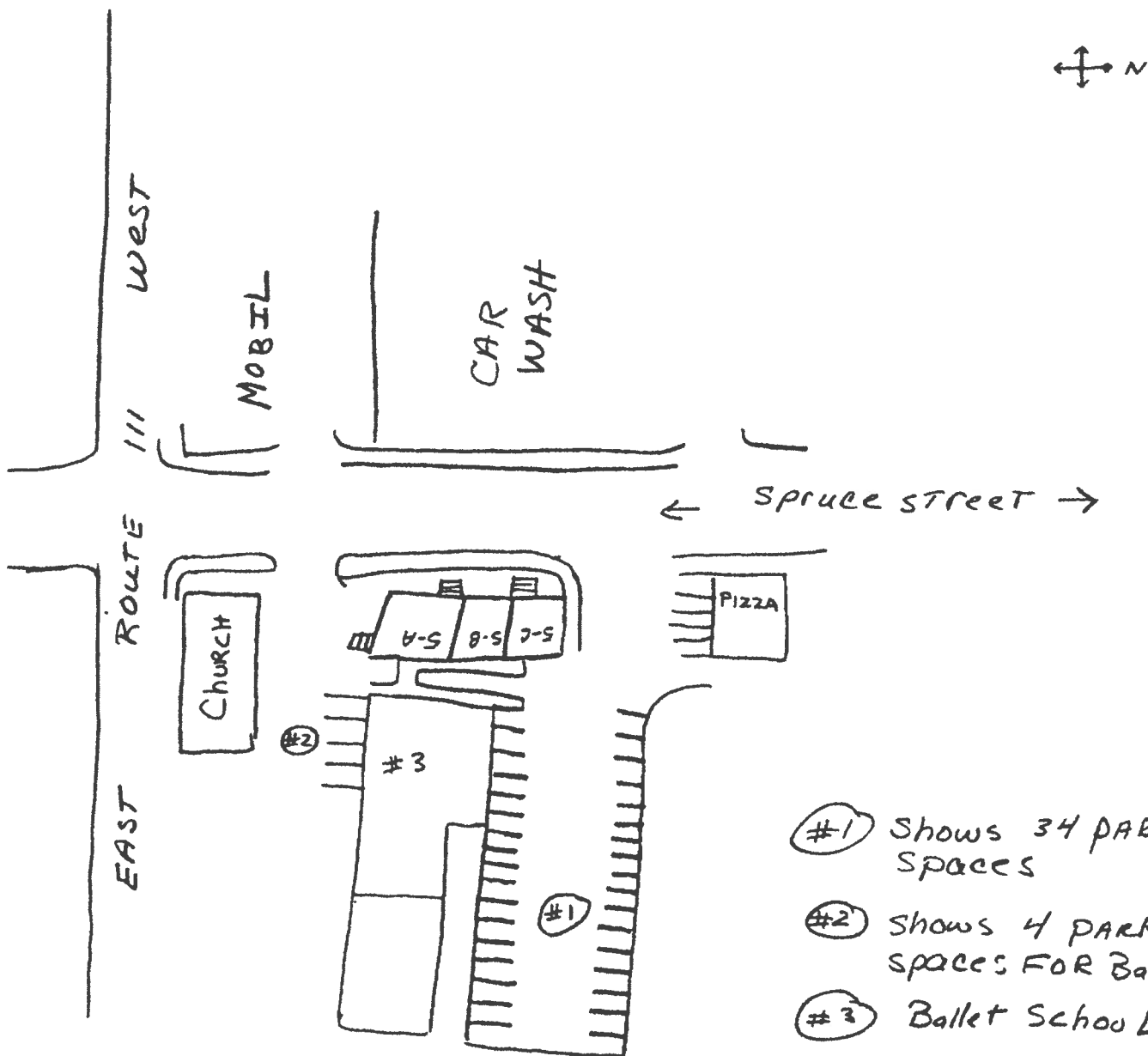
Dear Michael,

I am happy to agree to your proposal to include a table and 4 seats for the use of your customers in your coffee shop. Please let me know if there is anything I can do that will help you get the town's approval to do this.

Very truly

A handwritten signature in dark ink, appearing to read 'W R Hurd', written in a cursive style.

William R. Hurd



Phillips Coffee Emporium
5-B Spruce ST

Alicante
5-A Spruce st

AB Cards
5-C Spruce street

10

CURRENT STORE LAYOUT

In addition to the East side on-street parking on spruce street, there is private parking available for Phillips Coffee, AB Cards, Alicante', three apartments above these stores and the Ballet school. The parking spaces for these premises are as follows:

34 rear spaces for available for all stores and tennents

4 additional spaces for the Ballet School are on the South side of the Ballet School

Table 1 Parking Volume for week of August 8, 1992

Day	10am	2pm	5pm	7pm
Wed	4	6	10	14
Thu	12	10	8	6
Fri	6	2	7	5
Sat	4	2	7	n/a
Sun	3	3	5	n/a
Mon	3	5	16	15
Tue	12	7	7	9

Count also includes cars from surrounding businesses who use this lot

August 27, 2015

Dear Rich:

This letter confirms that we have designated the area located on the north side of our parking lot, between the café entry stair and the edge of (but not including) the ballet school egress stair, for the use of a café in your building.

Sincerely,

A handwritten signature in black ink, appearing to read 'MR' followed by a stylized flourish.

Mathias Rosenfeld